

Graham	Merkley	Shaheen
Grassley	Murkowski	Sinema
Hassan	Murphy	Smith
Heinrich	Murray	Stabenow
Hickenlooper	Ossoff	Tester
Hirono	Padilla	Tillis
Kaine	Peters	Van Hollen
Kelly	Reed	Warner
King	Romney	Warnock
Klobuchar	Rosen	Warren
Lujan	Rounds	Welch
Manchin	Sanders	Whitehouse
Markey	Schatz	Wyden
Menendez	Schumer	

## NAYS—40

Barrasso	Hagerty	Ricketts
Blackburn	Hawley	Risch
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Schmitt
Britt	Johnson	Scott (FL)
Budd	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tuberville
Crapo	Marshall	Vance
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Mullin	
Fischer	Paul	

## NOT VOTING—1

Casey

The nomination was confirmed.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 12, Matthew L. Garcia, of New Mexico, to be United States District Judge for the District of New Mexico.

Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Lujan, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jack Reed, Jeanne Shaheen, Brian Schatz, Edward J. Markey, Benjamin L. Cardin, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Matthew L. Garcia, of New Mexico, to be United States District Judge for the District of New Mexico, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 14 Ex.]

## YEAS—54

Baldwin	Cardin	Duckworth
Bennet	Carper	Durbin
Blumenthal	Collins	Feinstein
Booker	Coons	Fetterman
Brown	Cornyn	Gillibrand
Cantwell	Cortez Masto	Graham

Hassan	Merkley	Shaheen
Heinrich	Murkowski	Sinema
Hickenlooper	Murphy	Smith
Hirono	Murray	Stabenow
Kaine	Ossoff	Tester
Kelly	Padilla	Van Hollen
King	Peters	Warner
Klobuchar	Reed	Warnock
Lujan	Rosen	Warren
Manchin	Sanders	Welch
Markey	Schatz	Whitehouse
Menendez	Schumer	Wyden

## NAYS—45

Barrasso	Grassley	Ricketts
Blackburn	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Capito	Kennedy	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Daines	Moran	Vance
Ernst	Mullin	Wicker
Fischer	Paul	Young

## NOT VOTING—1

Casey

The PRESIDING OFFICER (Mr. WELCH). On this vote, the yeas are 54, the nays are 45.

The motion is agreed to.

Under the previous order, with respect to the Jenkins nomination, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the Garcia nomination.

The legislative clerk read the nomination of Matthew L. Garcia, of New Mexico, to be United States District Judge for the District of New Mexico.

The PRESIDING OFFICER. The Senator from Oregon.

## UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that at 4:30 p.m. today, all postcloture time with respect to the Garcia nomination be considered expired and the Senate vote on confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO ELVIA MONTOYA

Mr. MERKLEY. Mr. President, I come to the floor today to recognize and bid farewell to a valued member of my team, our legislative director, Elvia Montoya.

Five years ago, our office had the fortune of bringing Elvia onboard as a legislative correspondent—or LC—working on issues of education, equal rights, and healthcare. These are incredibly important issues. And she did such an incredible job working on them that it wasn't long at all before she was promoted to handle them as our legislative assistant.

And time and time again, year after year, no matter what new task she took on or what challenge was thrown at her, she succeeded and thrived.

Every Oregonian, every American, across this Nation is better off today, thanks to her tireless efforts.

Seventy-two thousand children in our State, for instance, who normally get free or reduced-priced lunches during the school year continue to get healthy and nutritious meals during the summer months. They have Elvia to thank for that because she is the one who included language in the fiscal year 2020 Further Consolidated Appropriations Act to reinstate the program.

Thousands of nurses are on the job today saving lives because we invested in the training and workforce development that are key to the future of this critical profession through the Nursing Workforce Reauthorization Act of 2019. And Elvia wrote that bill and helped get it passed as part of the CARES Act; and thank goodness she did, or the nursing shortage today would be much worse than it is.

And Elvia was always three steps ahead in the lead-up to the COVID-19 pandemic. In January of 2020, over 2 months before life as we knew shut down and people were only vaguely aware of a new virus coming out of China, she saw right away that this had the potential to upend life around the Globe.

By the end of that month, she had persuaded me to lead a letter calling on the World Health Organization to declare a public health emergency of international concern.

By the end of February, our office had a resource page for Oregonians who were starting to hear about this new, dangerous virus and were growing nervous. This was phenomenal timing because Oregon had its first confirmed case on Friday, February 28, 2020. The announcement came well after working hours.

But even late on a Friday evening, she was on the ball, alerting me and other senior staff and starting to prepare for the long battle ahead as she led our team in that battle for the next year-plus.

She kept tabs on the virus, day in and day out, leading briefings for our team and providing daily updates on the spread and impact of the virus. And she led my team's efforts to help enact the COVID relief bills as we took up and passed them here on the Senate floor—from the Coronavirus Preparedness and Response Supplemental Appropriations Act to the Families First Coronavirus Response Act; the CARES Act to the Paycheck Protection Program and Healthcare Enforcement Act.

And she wasn't just invested in policy. She was also invested in the logistical challenges we faced under COVID. One night, when a truck was supposed to be delivering supplies of personal protective equipment—or PPE, as we call it—delivering it from the national stockpile to the main resource warehouse in Oregon, from where it would be distributed to hospitals and clinics and other places the following morning, things went awry.

The security guards at the facility hadn't received the right paperwork when the tractor trailer pulled up. So they turned the truck away.

Now, at that time, we were in such short supply of PPE, and our healthcare practitioners were risking their lives because of that shortage. So this was incredibly important that we get these supplies delivered.

Doctors and nurses and other first responders on the frontlines of the pandemic were counting on that delivery of supplies that was now headed in the wrong direction. So Elvia jumped into action. She started calling folks at HHS and other Federal and State agencies. She woke people up. She tracked down cell phone numbers, including the numbers of the guards who were on duty. Eventually, she got that truck turned around and those supplies were delivered.

She was able to do this because she had worked for months and months to build connections and relationships with folks working, at every level, on responding to the pandemic. Thus, when an incident like this occurred, she knew how to make sure the bureaucratic redtape didn't stop people from getting the help and resources they needed.

And so it was when our previous legislative director left to go to the State Department in January of 2021, it was clear that Elvia's tenacity, resourcefulness, humor, warmth, professionalism would make her the perfect choice to ably step up and fill that role.

Almost overnight, she went from focusing exclusively on healthcare and education to overseeing the entire pantheon of our team's legislative activities, with all of the added responsibilities—like staffing vote-aramas—that came along with the role.

As legislative director, she has personally taken point on our efforts to protect American democracy and ensure every American's right to vote. She quickly and deeply immersed herself in the intricacies of the issues of voter suppression, of dark money, and gerrymandering that we sought to address in the For the People Act and its derivative, the Freedom to Vote Act.

On top of that, Elvia got familiar with the history and arcane procedures of this body that are so much in need of reform today, helping to craft workable options to restore the Senate to being a better legislative body that our Founders intended it to be.

And even now, she has continued to take the lead on my "Mysteries of the Senate" project, where every week we prepare a memo for the caucus explaining another aspect of the Senate's arcane history and procedures. This is valuable, I hope, because I believe we cannot begin to improve the way we function unless Members understand better the Senate's history and the web of rules and precedents that guide how we operate.

It would be an understatement to say that Elvia has excelled at every task

and every issue she has taken on over these last 5 years. It has been a pleasure for me to work with her. It has been a pleasure for the entire team to work with her. And she has contributed greatly to the future of our team nurturing and bringing along new staffers, making sure they not only are up to speed on the issues but fully integrated participants in our collective effort to improve policies to benefit Oregonians and to benefit Americans.

Elvia, all of us on the team—all of us on team Merkley—thank you deeply for your dedication. We wish you all the best in your next chapter as you take your talents back home to Oregon. I think all of us are a bit jealous of that opportunity to be fully back home. And we know that wherever you are, you will never stop fighting to build a better world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip.

#### MASS SHOOTINGS

Mr. DURBIN. Mr. President, today is Valentine's Day and a day we set aside to celebrate love, but far too many American families this day have haunting memories and unfathomable pain. They are the families of Americans killed by gun violence.

Last night, the families of three Michigan State University students joined the heartbroken ranks. Five additional victims were wounded. It was the 67th mass shooting in the United States of America in this calendar year. February 14, the 67th mass shooting—more than 1 mass shooting every day this year. What is a mass shooting? When four people or more are injured or killed.

No other nation on Earth accepts this wholesale slaughter that we have now become so inured to in the United States. We shouldn't be. Americans have seen too much carnage from guns. I am sick of it. This Nation is sick of it.

Five years ago today, a 19-year-old gunman murdered 17 people and wounded 17 more at Marjory Stoneman Douglas High School in Parkland, FL—the fifth anniversary of it, and we are observing the madness and slaughter that took place in Michigan. The gunman fired indiscriminately at Parkland, at students and teachers, and used a Smith & Wesson AR-15 assault rifle. The dead included 14 students and 3 staff members who died trying to protect them.

The Parkland shooting horrified our Nation. It cut especially deep at Northern Illinois University in DeKalb, IL, 65 miles outside of Chicago. You see, exactly 10 years ago on Valentine's Day 2008, a gunman armed with a shotgun

and three semiautomatic pistols kicked open the door of an auditorium-style classroom at Northern Illinois and walked up and down the aisle, shooting people indiscriminately. The shooting lasted just under 6 minutes. When it ended, 5 students had died at Northern and more than 20 were injured.

Six weeks into the year 2023, and already this year, at least 5,127 Americans have died from gun violence according to the Gun Violence Archive. They died in homicides, suicides, and accidental shootings.

Last year, Congress passed and President Biden signed the most sweeping gun safety law in 30 years—the Bipartisan Safer Communities Act. Among other things, it toughened background checks for gun purchasers under the age of 21 and cracked down on the trafficking and straw purchasing of firearms. It also included funding to help States implement red flag laws to keep guns out of the hands of people who pose a danger to themselves or others. Just today, my home State of Illinois was awarded \$9½ million in funding under the new law to help carry out Illinois' red flag law. That is progress. But the majority of Americans support even stronger gun safety laws, including closing the gaps in the background check system for gun purchases.

I believe that Congress should also restore the ban on assault weapons, including AR-15-style rifles—increasingly the weapon of choice for mass shooters. These military-style weapons have no place in schools, neighborhoods, or college campuses.

One month after the Parkland school massacre, student survivors of that slaughter organized a rally called March for Our Lives. Hundreds of thousands of people attended the march in Washington. One of those powerful speakers that day was a young woman named Emma Gonzalez, a survivor of Parkland. She warned Americans that day, "Fight for your lives before it's someone else's job."

In America today, gun violence can strike any family, anywhere, anytime. Today on this grim anniversary, we must recommit ourselves to a better America, to do more to protect our kids, our schools, our communities, and our country from the scourge of gun violence.

#### CORPORATE BANKRUPTCY

Mr. President, last month, the Third Circuit Court of Appeals rejected an attempt by the venerable corporation Johnson & Johnson, which sought to make a mockery of our system of justice and bankruptcy laws. In this case, Johnson & Johnson tried to use a legal scheme known as the Texas two-step. It is an accurate name because it would have allowed Johnson & Johnson to dance around its obligations to the consumers it had harmed. This is not a few people we are talking about; this case concerns 40,000 Americans who used Johnson & Johnson products and have been diagnosed with ovarian cancer or mesothelioma.